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| 09/828,257 | 04/06/2001 | Louis D. Giacalone JR. | 17996-15 US | 4988 |

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| EXAMINER |
|---|
| PATEL, HARESH N |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | |

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>02 November 2005</u>.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06 April 2001</u> is/are:  a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

1.      Claims 1-20 are subject to examination.


### *Response to Arguments*

2.      Applicant's arguments filed 1/3/2005 have been fully considered but they are not

persuasive.  Therefore, rejection of claims 1-12 is maintained.

Applicant argues, (1) "Stone's invention relates to the creation and placement of

presentations of commercial information with the purpose of informing buyers as to available

products, goods, and services. Stone's invention employs a text-only entry of information and

data of the products, and generates the presentations in a standard format using a Presentation

Rules Database, where the "Presentation Rules Database will have data field containing

information that controls and limits the style and editing of the presentations to be created by a

seller." (Col. 32, lines 58-60.) Stone further discloses "once the present invention generates the

presentation, it either automatically published the presentations to the appropriate electronic

destination or holds the presentation for a scheduled publication date to be submitted for a

particular deadline or predetermined promotional market." (Col. 58, lines 34-38.) In contrast, the

present invention discloses and claims a system for scheduling the distribution and play of

various types and formats of advertising content (page 3, lines 26-29) on remote display devices,

where the system comprises "a server being capable of receiving input preferences relating to

play scheduling parameters <u>selected from the group</u> consisting of: frequency, interval, time of

play, trigger events, and category filtering; and a scheduling algorithm executed on the server for

generating scheduling data utilizing the input preferences. . ." as recited in claim 1. Thus, it will

be apparent to those of ordinary skill that Stone's invention is not related to the server and

scheduling algorithm recited in claim 1 of the present application".

The examiner respectfully disagrees. In response to applicant's argument that the

references fail to show certain features of applicant's invention, it is noted that the features upon

which applicant relies, for example, "play of various formats of advertising content on remote

display devices", etc., are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is

claimed is, for example, see claims 1 and 17, "scheduling data indicating when and how often

the advertising content is to be displayed in the plurality of remote display devices, the

advertising content from a variety of channels is distributed simultaneously to various ones of the

plurality of remote display devices. Since, these claims are amended, they are addressed by the

new ground(s) of rejection, please refer to the below rejections of this office action.

Further, according to the applicants assertions, the teachings of the cited reference Stone

is not limited. Contrary to applicant's assertions, besides the applicant concluded teachings,

Stone also discloses teachings related to the server (e.g., see usage of network, database, server,

col., 3, line 13 – col., 4, line 55), and scheduling algorithm (e.g., usage of scheduling algorithms,

usage of scheduling algorithms for handling advertisement/publishing related to a user, col., 3,

line 13 – col., 4, line 55), as claimed. In fact, the specification of this application, page 17, line

30 - 35, clearly states, "While the above provides a full and complete disclosure of a preferred

embodiment of the invention, various modifications, alternate constructions and its equivalents

may be employed without departing from the true spirit and scope of the invention. Accordingly,

it is intended that the above not be construed as limiting the scope of the invention, which is

defined by the appended claims". Since, applicant's claims contain broadly claimed subject

matter, it clearly reads upon the examiner's interpretation of the claimed subject matter.

Therefore, the rejection is maintained.

Applicant states, (2) "Debey fails to teach a server being capable of receiving input

preferences relating to play scheduling parameters selected from the group consisting of:

frequency, interval, time of play, trigger events, and category filtering; and a scheduling

algorithm executed on the server for generating scheduling data utilizing the input preferences".

For clarification, all the limitations, "a server being capable of receiving input

preferences relating to play scheduling parameters selected from the group consisting of:

frequency, interval, time of play, trigger events, and category filtering; and a scheduling

algorithm executed on the server for generating scheduling data utilizing the input preferences"

are not relied upon the Debey reference. Limitations, play of content on remote devices and

usage of play scheduling parameters, is only relied upon the Debey reference, which the Debey

reference discloses, for example, the well-known concept of play of content on remote devices

(e.g., paragraph 44) and usage of play scheduling parameters (e.g., paragraphs 46, 65).

Applicant argues, (2), limitations, "a tag associated with the scheduling data is stored

with the content, separate scheduling data database from content database, a gaming device

coupled to the server and capable of communicating content associated with gaming is not well

known and expected in the art".

The examiner respectfully disagrees. For example, Klosterman et al., 2002/0092017

discloses a tag associated with the scheduling data is stored with the content (e.g, figures 1 – 2B),

separate scheduling data database from content database (e.g., figure 9); Wade, 2002/0019831

also discloses these limitations (e.g., paragraph 70), Shaw et al., 2001/0005855 also discloses

these limitations (e.g., paragraph 146), Thompson, 5,881,245, also discloses these limitations

(e.g., col., 6, lines 11 – 33), Marsh et al., 6,876,974, also discloses these limitations (e.g., figures

1, 5, 8); Ledbetter, 2002/0056121 also discloses these limitations (e.g., paragraphs 8 and 18),

Klosterman et al., 2002/0092017, also discloses these limitations (e.g., paragraphs 38 and 48);

Bezos et al., 2003/0055729, also discloses these limitations (e.g., paragraphs 17, 40, 42);

DiFranza et al., 2002/0112925, also discloses these limitations (e.g., paragraphs, 44, 68); Klayh,

2003/0103644, also discloses these limitations (e.g., paragraph 178, figures 1-3); Doherty

2003/0200128, also discloses these limitations (e.g., paragraphs 52 and 57), Nishiyama et al.,

2004/0172655 also discloses these limitations (e.g., paragraphs 69, 204, 295, figures 2, 3, 6, 7, 9,

11-16); Flickinger 2005/0283796 also discloses these limitations (e.g., abstract); Hankla,

2001/0032122, also discloses these limitations (e.g., paragraph 25, figure 1), Cannon,

2001/0020236, also discloses these limitations (e.g., paragraphs 40, 384, figure 4), Nishiyama et

al., 6,725,460, also discloses these limitations (e.g., figures 2, 3, 6, 7, 9, 11-16), Smith ,

6,502,076, also discloses these limitations (e.g., col., 2, line 51 – col., 3, line 34). For example,

Heckel 6,036,601, discloses a gaming device coupled to the server and capable of

communicating content associated with gaming (e.g., figure 1, col., 2, lines 35 – 58).

Hungenberg et al., 6,714,545 also discloses these limitations (e.g. abstract paragraph 1, col., 4,

lines 45 – 67, col., 7, lines 23 - 38). Acres, 2001/0034643, also discloses these limitations (e.g.,

paragraphs 7 and 21, figures 1, 3). Storch, 6,514,140, also discloses these limitations (e.g., usage

of CRS server, col., 3, lines 10 – 26). Goldberg et al., 5,823,879 discloses these limitations (e.g.,

figures 1, 3, 6A, 8A).  Therefore, the rejection is maintained.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees.  See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application.  See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer.  A terminal disclaimer signed by the assignee must fully comply with 37
CFR 3.73(b).

3.      Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double

patenting as being unpatentable over claims 1-44 of copending application number 09/828257.

Although the conflicting claims are not identical, they are not patentably distinct from each other

because the copending application teaches all the limitations as disclosed such that the

interpretation of a system for scheduling the distribution and play of advertising is similar to

scheduling the distribution of content utilizing a network comprising content is a database,

generating schedule data by inputting preferences to a scheduling algorithm, distributing the

content and the schedule data to a plurality of output devices utilizing the network along with

usage of visual display and audio/video broadcast.  The claimed subject matter of claims 1-44 of

copending application number 09/828257 does not specifically mention about scheduling data

indicating when and how often the advertising content is to be displayed.  However, it is well

known in the art; for example, Wade, 2002/0019831 discloses the well-known concept of

scheduling data indicating when and how often the advertising content is to be displayed (e.g.,

paragraph 70). With Wade's teachings it would be obvious to one of ordinary skill in the art to

include the concept of scheduling data indicating when and how often the advertising content is

to be displayed with the claimed subject matter of claims 1-44 of copending application number

09/828257.


### *Response to Amendment*

4.      The amendment filed 11/2/2005 is objected to under 35 U.S.C. 132 because it introduces

new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new

matter into the disclosure of the invention. The added material which is not supported by the

original disclosure is as follows:

      a.      limitations, "so that it can continue to function in the event of a loss of coupling

with the network", in claims 2 and 13.

      Applicant is required to cancel the new matter, to avoid abandonment of this application,

in the reply to this Office Action.


### *Specification*

5.      The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

      The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: "Scheduling data indicating when and how often advertising content is displayed for distribution and play".

6.      The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.  See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).  Correction of the following is required.

   a)  The limitations, of claims 7 and 16, "a tag associated with the scheduling data is stored with the advertising content", as claimed are not recited in the specification.

### *Drawings*

7.      New corrected drawings are required in this application because Figures 1-8 do not show the claimed invention, i.e., "a scheduling algorithm executed on the server for generating scheduling data utilizing the input preferences, the scheduling algorithm being based on predetermined methods of processing the input preferences; and the remote communicative device being capable of scheduling data so that it can continue to function in the event of a loss of coupling with the network". Also applicant needs to submit formal drawings for the screen-captured figures. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled --Replacement Sheet-- in the page

header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

8.      Claims 1 and 13 are objected to because of the following informalities:

Claims 1 and 13 mention, "the distribution and play", "the group consisting of", which should be --a distribution and play--, and --a group consisting of--, respectively.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9.      Claims 2 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

10.     The specification does not contain subject matter to implement limitations, "so that it can continue to function in the event of a loss of coupling with the network", as cited in claims 2 and 13. The specification, for example, page 4, lines 23 – 26, clearly state, "the event of a loss of

network communication with the central control system, the display controller can continue to

operate effectively, and may still receive control information from the local network controller

and local control systems", which also does not support claimed limitations, "so that it can

continue to function in the event of a loss of coupling with the network".

Examiner has reviewed the specification (and OCR whole document) and could not find

support for the additional limitations as claimed.


## Claim Rejections - 35 USC § 103

11.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

12.      Claims 1, 2, 4-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stone et al. 6,446,045 (Hereinafter Stone) in view of Debey, U.S. Publication,

2004/0064497 (Hereinafter Debey) and "Official Notice".

13.      As per claim 1, Stone teaches a system (e.g., col., 3, line 13 – col., 4, line 55) for

scheduling the distribution of content on remote display devices utilizing a network, comprising

(e.g., scheduling of advertising/publishing content over the network, col., 3, line 13 – col., 4, line

55):

a database for storing the advertising content (e.g., database, figure 2A, advertising

content over the network, col., 3, line 13 – col., 4, line 55);

a server coupled to the database (e.g., network, database, server, col., 3, line 13 – col., 4,

line 55), the server being capable of receiving input preferences (e.g., col., 3, line 13 – col., 4,

line 55) <u>relating</u> to parameters selected from the group consisting of: frequency, interval, time of

play, trigger events, and category filtering (e.g., advertisement related events, col., 3, line 13 –

col., 4, line 55),

a scheduling algorithm executed on the server <u>for</u> generating scheduling

data utilizing the input preferences (e.g., usage of scheduling algorithms, col., 3, line 13 – col., 4,

line 55), the scheduling algorithm being based on predetermined methods of processing the input

preferences (e.g., scheduling algorithms for handling advertisement/publishing related to a user,

col., 3, line 13 – col., 4, line 55); and

a network <u>for</u> distributing the advertising content (e.g., advertising content over the

network, col., 3, line 13 – col., 4, line 55); and the scheduling data to a plurality of remote

display devices (e.g., distribution of real time dynamic content related to the scheduled

advertisement/publishing information to the output devices, col., 3, line 13 – col., 4, line 55).

However, Stone does not specifically mention about play of content on remote devices

and play scheduling parameters.

Debey discloses the well-known concept of play of content on remote devices (e.g.,

paragraph 44) and usage of play scheduling parameters (e.g., paragraphs 46, 65).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Stone with the teachings of Debey in order to facilitate of

play of content on remote devices and play scheduling parameters because the play would

support presenting content information at the remote devices. The presented content information

would be available for a user to view. The play scheduling parameters would help enhance

presenting information to the user at specific time.

Stone and Debey do not specifically mention about the well-known concept of scheduling

data indicating when and how often the advertising content is to be displayed/displaying in the

plurality of remote display devices.

"Official Notice" is taken that both the concept and advantages of providing scheduling

data indicating when and how often the advertising content is to be displayed/displaying in the

plurality of remote display devices is well known and expected in the art. For example, Wade,

2002/0019831 discloses these limitations (e.g., paragraph 70), Shaw et al., 2001/0005855 also

discloses these limitations (e.g., paragraph 146), Thompson, 5,881,245, also discloses these

limitations (e.g., col., 6, lines 11 – 33), Marsh et al., 6,876,974, also discloses these limitations

(e.g., figures 1, 5, 8);  Ledbetter, 2002/0056121 also discloses these limitations (e.g., paragraphs

8 and 18), Klosterman et al., 2002/0092017, also discloses these limitations (e.g., paragraphs 38

and 48); Bezos et al., 2003/0055729, also discloses these limitations (e.g., paragraphs 17, 40,

42); DiFranza et al., 2002/0112925, also discloses these limitations (e.g., paragraphs, 44, 68);

Klayh, 2003/0103644, also discloses these limitations (e.g., paragraph 178, figures 1-3); Doherty

2003/0200128, also discloses these limitations (e.g., paragraphs 52 and 57), Nishiyama et al.,

2004/0172655 also discloses these limitations (e.g., paragraphs 69, 204, 295, figures 2, 3, 6, 7, 9,

11-16); Flickinger 2005/0283796 also discloses these limitations (e.g., abstract); Hankla,

2001/0032122, also discloses these limitations (e.g., paragraph 25, figure 1), Cannon,

2001/0020236, also discloses these limitations (e.g., paragraphs 40, 384, figure 4), Nishiyama et

al., 6,725,460, also discloses these limitations (e.g., figures 2, 3, 6, 7, 9, 11-16), Smith ,

6,502,076, also discloses these limitations (e.g., col., 2, line 51 – col., 3, line 34).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include scheduling data indicating when and how often the advertising

content is to be displayed in the plurality of remote display devices in order to facilitate usage of

the scheduling data indicating when and how often the advertising content is to be displayed

because the scheduling information would support providing advertising content at a specified

time and at for a duration specified by how often the advertising content needs to be displayed.

The advertisement information would be provided to the devices on the network for user

presentation.

14.     As per claims 2 and 13, Stone and Debey disclose the claimed limitations as rejected

above. Stone also teaches the following:

at least one remote communicative device coupled to said network for receiving and

responding to said scheduling data to communicate said advertising content (e.g., col., 5, line 1 –

col., 6, line 65), to at least one of said plurality of display devices (e.g., col., 3, line 13 – col., 4,

line 55), said remote communicative device (e.g., col., 5, line 1 – col., 6, line 65) being capable

of storing the advertisement content (e.g., col., 3, line 13 – col., 4, line 55) and scheduling data

so that it can continue to function in the event of a loss of coupling with said network (e.g., col.,

5, line 1 – col., 6, line 65).

15.    As per claim 4, Stone and Debey disclose the claimed limitations as rejected above. Stone also teaches the following:

the remote server provides security between the at least some of said plurality of remote display devices and the network (e.g., col., 5, line 1 – col., 6, line 65).

16.    As per claims 5 and 15, Stone and Debey disclose the claimed limitations as rejected above. Stone also teaches the following:

a user interface coupled to the network for allowing a user to input and/or modify at least one of the scheduling data and the advertising (e.g., col., 5, line 1 – col., 6, line 65) content (e.g., figures 2c and 2d).

17.    As per claims 6 and 16, Stone and Debey disclose the claimed limitations as rejected above. Stone also teaches the following:

the scheduling data is stored in the database with the advertising (e.g., col., 5, line 1 – col., 6, line 65) content  (e.g., figure 2b).

18.    As per claim 9, Stone and Debey disclose the claimed limitations as rejected above. Stone also teaches the following:

a user interface coupled to the network for updating the scheduling data (e.g., figures 2c and 2d).

19.     As per claims 10 and 17, Stone and Debey disclose the claimed limitations as rejected

above. Stone also teaches the following:

advertising (e.g., col., 5, line 1 – col., 6, line 65) content from a variety of channels is

distributed simultaneously to various ones of the plurality of remote display devices (e.g., col., 5,

line 1 – col., 6, line 65).


20.     As per claims 11 and 18, Stone and Debey disclose the claimed limitations as rejected

above. Stone also teaches the following:

the database can receive and store and can be queried (e.g., col., 5, line 1 – col., 6, line

65) for information associated with at least one of the group consisting of billing, statistical

analysis, merchandise, and performance monitoring (e.g., col., 5, line 1 – col., 6, line 65).


21.     As per claims 7, 8, 12, 19 and 20, Stone teaches the claimed limitations as rejected above.

However, Stones and Debey do not specifically mention about the claimed subject matter

of claims 7, 8, 12 and 19.   "Official Notice" is taken that both the concept and advantages of

providing a tag associated with the scheduling data is stored with the content, separate

scheduling data database from content database, a gaming device coupled to the server and

capable of communicating content associated with gaming is well known and expected in the art.

For example, Klosterman et al., 2002/0092017 discloses a tag associated with the scheduling

data is stored with the content (e.g, figures 1 – 2B), separate scheduling data database from

content database (e.g., figure 9); Wade, 2002/0019831 also discloses these limitations (e.g.,

paragraph 70), Shaw et al., 2001/0005855 also discloses these limitations (e.g., paragraph 146),

Thompson, 5,881,245, also discloses these limitations (e.g., col., 6, lines 11 – 33), Marsh et al.,

6,876,974, also discloses these limitations (e.g., figures 1, 5, 8); Ledbetter, 2002/0056121 also

discloses these limitations (e.g., paragraphs 8 and 18), Klosterman et al., 2002/0092017, also

discloses these limitations (e.g., paragraphs 38 and 48); Bezos et al., 2003/0055729, also

discloses these limitations (e.g., paragraphs 17, 40, 42); DiFranza et al., 2002/0112925, also

discloses these limitations (e.g., paragraphs, 44, 68); Klayh, 2003/0103644, also discloses these

limitations (e.g., paragraph 178, figures 1-3); Doherty 2003/0200128, also discloses these

limitations (e.g., paragraphs 52 and 57), Nishiyama et al., 2004/0172655 also discloses these

limitations (e.g., paragraphs 69, 204, 295, figures 2, 3, 6, 7, 9, 11-16); Flickinger 2005/0283796

also discloses these limitations (e.g., abstract); Hankla, 2001/0032122, also discloses these

limitations (e.g., paragraph 25, figure 1), Cannon, 2001/0020236, also discloses these limitations

(e.g., paragraphs 40, 384, figure 4), Nishiyama et al., 6,725,460, also discloses these limitations

(e.g., figures 2, 3, 6, 7, 9, 11-16), Smith , 6,502,076, also discloses these limitations (e.g., col., 2,

line 51 – col., 3, line 34). For example, Heckel 6,036,601, discloses a gaming device coupled to

the server and capable of communicating content associated with gaming (e.g., figure 1, col., 2,

lines 35 – 58). Hungenberg et al., 6,714,545 also discloses these limitations (e.g. abstract

paragraph 1, col., 4, lines 45 – 67, col., 7, lines 23 - 38). Acres, 2001/0034643, also discloses

these limitations (e.g., paragraphs 7 and 21, figures 1, 3). Storch, 6,514,140, also discloses these

limitations (e.g., usage of CRS server, col., 3, lines 10 – 26). Goldberg et al., 5,823,879 discloses

these limitations (e.g., figures 1, 3, 6A, 8A).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to include a tag associated with the scheduling data is stored with the content, separate

scheduling data database from content database, a gaming device coupled to the server and

capable of communicating content associated with gaming with the teachings of Stones in order

to facilitate usage of databases that contain separate data for content and schedule data because

the tag associated with the scheduling data stored with the content will help provide indication of

when the content is scheduled to be used for a target device for execution. A gaming device

connected to the server on the network will provide gaming related information that can be

provided to the devices on the network for user presentation.


22.     Claims 3 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Stone,

Debey and "Official Notice" in view of Gehani et al., 5,802,062 (Hereinafter Gehani).

23.     As per claims 3 and 14, Stone and Debey disclose the claimed limitations rejected under

claims 1 and 2. However Stone and Debey does not specifically mention about remote

communicative device includes at least one remote server.

        Gehani discloses the well-known concept of remote communicative device including at

least one remote server (e.g., usage of intermediate server, figure 3d).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Stone and Debey with the teachings of Gehani in order to

facilitate usage of remote communicative device including at least one remote server because the

remote server being used as an intermediate server would support communicating content

information at the remote devices. The communicated content information would be available

for a user for viewing from intermediate server.

## *Conclusion*

24.    The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and

not relied upon is considered pertinent to applicant's disclosure.

Examiner has cited particular columns and line numbers and/or paragraphs and/or

sections and/or page numbers in the reference(s) as applied to the claims above for the

convenience of the applicant. Although the specified citations are representative of the teachings

of the art and are applied to the specific limitations within the individual claim, other passages

and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety, as potentially teaching, all or part of the

claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by

the Examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973.  The

examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to

8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964.  The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

January 3, 2006

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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